## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CASE NO. 12-2039 (GAG)** 

COMMONWEALTH OF PUERTO RICO, et al.,

Defendants.

ORDER REGARDING AFTERMATH OF HURRICANE MARIA

Foremost, the undersigned is extremely sensitive and supportive of the actions taken by Commonwealth and Federal governments following devastation left by the wake of Hurricane Maria. Rebuilding Puerto Rico is certainly one of the greatest challenges any United States jurisdiction has ever faced in the history of our Nation. I have no doubt, however, that the strength and perseverance of our People as one Nation Under God, as well as that of our democratically elected and appointed leaders at every level will enable the promptest and humanly possible restoration of this Caribbean paradise, as well as of our close neighbor the U.S. Virgin Islands, collectively both home to over 3.5 million U.S. citizens.

Immediately after the passing of Hurricane Maria, the Technical Compliance Advisor ("TCA"), following the undersigned's directives, carried out an initial assessment of the perceivable challenges to the Reform process. Subsequently, the TCA contacted the Puerto Rico Police Department ("PRPD") Superintendent, Michelle Fraley and Reform Office Director, Colonel Clementina Vega, as well as U.S. Department of Justice ("USDOJ") counsel Luis Saucedo, to discuss the nature of these initial challenges. In light of the obvious extent of the damages sustained to the entire island and its infrastructure, all coincide, as does the undersigned,

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that the ongoing reform process of the PRPD will have to mold itself to prevailing conditions. Thus, the parties, with the assistance of the TCA, and ultimate court approval, must prospectively adopt a new framework that considers the post Maria scenario now part of the equation, and the vastly diminished resources presently available.

In order to guarantee the continued success of the PRPD Reform under the present circumstances, the undersigned hereby instructs the parties and TCA to discuss the following matters and inform the Court via joint motion filed on or before October 24, 2017. The parties and TCA, if warranted, may jointly request any reasonable extension of time.

- 1. Paragraph 239, of the Agreement for the Sustainable Reform of the PRPD (Docket 60) establishes the process for modifying any of the time frames set forth in the Action Plans. The currently ongoing timeframes were set under a scenario that has now changed. It is thus unrealistic to expect that PRPD achieve and continue its up to date compliance under the present conditions, more so when the Commonwealth and PRPD's personnel resources are principally committed to disaster relief effort and maintaining state of law and order throughout the island. The parties and TCA need to revise existing deadlines and agree to realistic ones. The undersigned advances that it inclined to favor any requests for new deadlines by PRPD, and is confident that USDOJ will join in the same.
- 2. As part of the Reform's training component, the parties and TCA, need to establish a working group to identify all vital areas regarding police training that are affected and/or require immediate attention in the aftermath of Maria. In addition, additional and new trainings on National emergency matters should be discussed. The undersigned strongly urges USDOJ to identify any federal funds or resources, emergency or otherwise, that can benefit PRPD in this area.

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3. Also as part of the Reform Training component, the TCA has informed that both PRPD and USDOJ attorneys will continue drafting their policies, rules and regulations, manuals, and/or any other documents required by the reform process. PRPD and USDOJ shall continue to coordinate the corresponding reviews with the Office of the TCA. This will not interrupt nor affect the PRPD as it is done mainly via internet by the core team subject-matter experts in the U.S. mainland.

Other than the above matters, the undersigned, cognizant where government resources should best be pooled, is hereby staying any and all deadlines to file any motions or reports, by the parties and TCA, until further order of the court.

The TCA has informed the undersigned that the parties agreed and intend to meet during the week of October 16, 2017, to resume the Reform process, as is humanly possible, and to start addressing any matters regarding the Agreement, which need to be modified. Constitutional Counsel for the TCA, Antonio R. Bazán shall be the contact counsel for matters addressed in this order.

Ultimately, the undersigned is most appreciative of PRPD leadership at all levels during this moment of National crisis. Likewise, my utmost praise to the many women and men who wear the badge, and during these past two weeks have continued to proudly serve. You are all yet another fine example of the utmost dedication, perseverance, courage and determination.

## SO ORDERED.

In San Juan, Puerto Rico this 4th day of October, 2017.

s/ Gustavo A. Gelpí GUSTAVO A. GELPI United States District Judge

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